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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,245	12/21/2001	Christen K. Pedersen	100110550	6661

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

STRANGE, AARON N

ART UNIT	PAPER NUMBER
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2153

MAIL DATE	DELIVERY MODE
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09/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/032,245

Applicant(s)

PEDERSEN, CHRISTEN K.

Examiner

Aaron Strange

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Examiner would like to note that the present application has been reassigned to a new Examiner.

Response to Arguments

2. Applicant's arguments filed 6/25/2007 have been fully considered but they are not persuasive.
3. With regard to claims 11-36 and Applicant's assertion that the specification adequately describes the claimed subject matter (Remarks, 9-10), the Examiner respectfully disagrees. The portion of the specification relied on by Applicant (p. 14, ll. 14-25) merely describes networking wizardry that obtains information needed to establish communication with a remote resource.

This section is not the same as and fails to provide support for initiation of a communication interface on a first device by a user at the first device, and additionally initiating the same interface at a second device. In the cited portion of the specification, the user interacts with the GUI at the first device, but there is no disclosure even resembling initiation of an interface on the first device occurring at a second device.

Accordingly, Applicant's arguments are not persuasive, and the rejection presented under 35 U.S.C. § 112, first paragraph, is MAINTAINED.

4. With regard to claims 1 and 5-10, and Applicant's assertion that Blight's "power button" fails to anticipate the claimed "selector for manually initiating a user initiated communication interface" (Remarks, 11-12), the Examiner respectfully disagrees. The Examiner notes Applicant's assertion that the "selector" has been defined in the specification as being distinct from the power button (Remarks, 12). However, review of the cited portion (p. 11, ll. 19-22) contains an example of a selector button, which may be separate from a power button, but no definition of the selector button.

Claim 1 merely requires "a selector", and fails to specify any structure of the "selector". Applicant has failed to claim a separate power button or included any limitation precluding a power button from performing the claimed "manually initiation a user initiated communication interface". While Applicant has disclosed that the selector may be a button in addition to a separate power button, as Applicant is undoubtedly aware, limitations from the specification are not read into the claims.

5. With regard to claims 2-4 and Applicant's assertion that "the Examiner has not pointed to any cogent, supportable reason that would lead an artisan of ordinary skill in the art to come up with the claimed invention" (Remarks, 15), it is noted that the Examiner explicitly provided a reason for combining Blight with Gaucher, based upon Gaucher's disclosed benefits (Office Action of 3/21/07, 11).

Applicant has failed to provide any arguments directed to *why* the Examiner's provided reason is not "cogent" or "supportable". Therefore, Applicant's arguments as to this point are not persuasive.

6. With regard to claims 2-4 and Applicant's assertion that "manually initiating a user communication interface would change the principle of operation of Blight" (Remarks, 17), it is noted that no such modification has been proposed. Blight already performs this operation, as discussed above. Accordingly, since Blight discloses such an operation, it does not "teach directly away from the claimed features", as asserted by Applicant (Remarks, 17).

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 11-36 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

9. For detailed rationale in support of this rejection, refer to ¶1 of the Office action of 3/21/2007, and the discussion in ¶3, above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1 and 5-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Blight et al. (U.S. Patent 6,785,542; hereinafter Blight).

11. Regarding claim 1, Blight discloses a communication system comprising:

- a communication network (Figure 6); and
- a plurality of electronic devices coupled to said communication network (Figure 6, e.g. 100d, 235a, 235b), each of said plurality of electronic devices including a selector for manually initiating (e.g. powering on the device Col 14, lines 32-33 or requesting the HTML page of available resources, Col 14, lines 56-57) a user initiated communication interface (resource proxy) that when enabled presents (e.g. user requests of available resources which are present in an HTML page, Col 14, lines 56-65) network connectivity information (Col 10, lines 39-60) specific to an associated electronic device implementing said communication interface (location based resources

available to that mobile device, Col 10, lines 22-33), where said network connectivity information is necessary for establishing communication paths (e.g. a URL, see inter alia, Col 9, lines 58-62, Col 10, lines 65-68 or Col 14, 61-63) between said associated electronic device and other electronic devices coupled to said communication network (Col 3, lines 10-21), wherein said network connectivity information provides information pertaining and unique to said associated electronic device (i.e. the resources are location based resources available to that mobile device, Col 10, lines 22-33) and is universally used to establish communication between said associated electronic device and each of said other electronic devices (e.g. the system uses the resource URLs of each resource that are technology independent (Col 9, lines 58-62) to establish communication between the electronic device and each resource, see inter alia, Col 9, lines 58-62, Col 10, lines 65-68 or Col 14, 61-63 and Col 15, lines 7-9).

12. Regarding claim 5, Blight discloses one of said plurality of electronic devices is a mobile device (Col 3, line 11).

13. Regarding claim 6, Blight discloses one of said plurality of electronic devices is a personal digital assistant (PDA) (Col 2, line 49).

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14. Regarding claims 7 and 22-23, Blight discloses the communication system wherein said selector is a button (Button – Col 6, lines 17-20; for selection - Col 14, lines 61-65 and Col 15, lines 7-9).

15. Regarding claims 8 and 24, Blight discloses said selector is a software enabled selector located on a display of associated electronic devices (Col 14, lines 61-65; Col 15, lines 7-9).

16. Regarding claim 9, Blight discloses each of said plurality of electronic devices comprise a graphical user interface (Col 6, line 6) for assisting users to establish said communication paths over said communication network (Col 14, lines 61-65; Col 15, lines 7-9).

17. Regarding claim 10, Blight discloses said communication network is a wide area network (Col 9, lines 4-11).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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19. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blight et al. (U.S. Patent 6,785,542; hereinafter Blight) as applied above, and further in view of Gaucher (U.S. Patent Number 6,175,860).

20. Regarding claim 2, Blight discloses a communication interface for monitoring initiations of said communication interfaces by said plurality of electronic devices (Col 3, lines 10-21), and for establishing a communication path automatically between a first and second electronic device of said plurality of electronic devices when their associated first and second communication interfaces, respectively, have been initiated under a condition (Col 14, lines 61-65; Selecting to make such a connection Col 15, lines 7-9 and accepting the connection on the other end). While Blight discloses the communication interface (resource proxy) of a given device centrally monitors initiations of said communication interfaces by said plurality of electronic devices, the monitoring communication interface functionality is not central (ie. one central server does not exist for monitoring all the devices; instead each electronic device monitors the entire network on its own). Nevertheless, centrally monitoring initiations of communication interfaces within a given network was well known in the art at the time of invention, as evidenced by Gaucher. In a related art, Gaucher discloses a central server (master computer) (Col 2, lines 49-56), which monitors initiations of communication interfaces (appliance boxes) (Col 3, lines 24-27). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Blight to use a central server for monitoring initiations of communication interfaces, as disclosed by Gaucher,

since such a scheme is simple in setup, operation and cost (Gaucher Col 2, lines 18-19).

21. Regarding claim 14, Blight discloses said condition is initiating said first and second communication interfaces within a period of time. It is inherent that such a connection establishment must occur in a given time period.

22. Regarding claim 15, Blight discloses said condition is initiating said first and second communication interfaces within a geographical location (Col 8, line 64 – Col 9, line 1).

Conclusion

23. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AS
9/5/07



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